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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
DONAGHUE, LARRY D

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/486,759

Applicant(s)

GALUTEN, ALBHY

Examiner

Larry D. Donaghue

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1,3-16 and 29 are presented for examination.
2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 29 is contradicts claim 1, in that claim 1, clearly set forth that the media object is rendered in the first location before the second.
5. No art has been applied.
6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Mirashrafi et al (6,199,096) in view of Discussion Paper No. 96.

As to claim 13, Mirashrafi teaches the substantially invention as claimed, including generating a information identifier at a first location where the information identifier identifies a media object (col. 4, lines 9 -10); transmitting the information identifier from the first location to a second location through the network (col. 4, lines 21 - 25); and rendering the identified media object at the second location such that rendition of the media object at the: second location is synchronized with the rendition of the media object at the first location (col. 4, lines 29 - 30.)

As to claim 14, Mirashrafi teaches transmitting the information identifier from the second location to a server; at the second location, receiving from the server the media object identified by the information identifier); optionally, displaying the media object at the second location when the media object contains a visual portion; and optionally, producing audio corresponding to media object at the second location when the media object contains an audio portion (col. 4, lines 32 - 34.)

As to claims 15, Mirashrafi teaches an object-id specifying a location of the media object (col. 4, line 12.)

Mirashrafi et al. did not expressly disclose that the information identifier is a handle, rather taught the information identifier is a URL, Discussion Paper No.96, taught that URN (handle) is an improvement on the URL and give supporting rational (see sections 1-2). It would have been obvious to combine these references in view of the express teaching in Discussion Paper No. 96.

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8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mirashfari in view of Discussion Paper No. 96 as applied to claim 13 above, and further in view of Ogdon et al., U.S. Patent No. 6,161,137.

As to claim 16, Mirashfari and Discussion Paper No. 96 teach the invention as claimed with respect to claim 13. However, Mirashfari does not teach computing a transport time as the difference between a current absolute time and an absolute time when the handle was transmitted or at the second location, rendering the media object corresponding a temporal location incremented by the transport time.

Ogdon teaches calculating a transport time (col. 23, lines 6 - 7.)

Although Ogdon does not specifically teach the rendering step, it would have been obvious to one of ordinary skill in the art to combine the teachings of Ogdon and Mirashfari and Discussion Paper No 96, and further to modify the combination to include a rendering step because Ogdon suggests that the delay may be used as a determining factor in how to treat the content (Ogdon, col. 24, lines 28- 32.),

9. Claims 1,3,4 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lagoze (A Secure Repository Design for Digital Library) in view of Kahn et al. "A Framework for Distributed Digital Object Services" and "Managing Access to Digital Information".

10. Lagoze taught the invention substantially (claim 1) as claimed, including a method for transmitting media information over a network comprising the steps of: generating a handle at a first location where the handle identifies a media object independent of a location of the media object (; transmitting the handle from the first location to a second location through the network; and rendering the identified media object at the second location in accordance with the handle (page 4, particularly titled Repository).

Lagoze did not expressly teach identifies at least one value-chain participant;. However Kahn et al. taught section 3.2, that other information other than the unique identifier is stored in the handler system, further that the key-metadata includes the handle, applicant usage of handle corresponds to the (key-metadata section 2.2) . It would have been obvious to combine these references as it is expressly suggest by Lagoze.

Neither reference expressly disclosed the content of the key-metadata, "Managing Access to Digital Information" suggest placing identifier for each participant of a value-chain, in the metadata . It would have been obvious to combine these reference as , "Managing Access to Digital Information" states in section 2, that it is a furthering of the work of Kahn et al.

"Managing Access to Digital Information" taught of: obtaining an identifier for the media object; (Section 3.0, section titled Persistent Unique Identifiers and identifier for each participant of a value-chain for the media object (Appendix A , Chain of Operations and Value Management); and combining the identifiers to form the handle.

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As to claim 3, Lagoze taught the transmitting step operates to transmit the handle via at least one of: e-mail, chat, instant messaging, internet protocols, cell phone protocols, TV/video links, and dynamic chat (pages 1-12).

As to claim 4, Lagoze taught the steps of: transmitting the handle from the second location to a server; at the second location, receiving from the server the media object identified by the handle; wherein the rendering step comprises: optionally, displaying the media object at the second location when the media object contains a visual portion; and optionally, producing audio corresponding to the media object at the second location when the media object contains an audio portion (page 2, digital objects page 4, Dissemination).

As to claim 6, Lagoze taught the handle includes at least an object-id specifying a location of the media object; (page 4).

As to claim 7, "Managing Access to Digital Information" taught the handle additionally includes a set of terms that govern the rendition of the media object (appendix A, section titled Associated terms and conditions).

As to claim 8, "Managing Access to Digital Information" taught the handle additionally includes a reference to a set of terms that governs the rendition of the media object (section 3.0, section titled Metadata Standard).

As to claim 9, Lagoze taught rendering a media object at a first location; generating a handle at the first location where the handle identifies the media object independent of a location of the media object and transmitting the handle to at least one second location over the network; and rendering the media object at the second location using the handle (page 4, particularly titled Repository).

As to claim 10, "identifier for each participant of a value-chain," the step of rendering the media object at the second location comprises the steps of: obtaining permission to render the media object at the second location from the at least one value-chain participant; rendering the media object at the second location in accordance with such permission (section 3.0, section titled Metadata Standard and Appendix A section Titled Chain of Operation and Value Management).

As to claim 11, Lagoze taught the step of rendering the media object at the second location comprises the steps of: transmitting the handle from the second location to a server; at the second location, receiving from the server the media object identified by the handle; optionally, displaying the media object at the second location when the media object contains a visual portion; and optionally, producing audio corresponding to the media object at the second location (page 2, digital objects page 4, Dissemination).

As to claim 12, Lagoze taught the handle includes at least an object-id specifying a location of the media object; (page 4).

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11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lagoze (A Secure Repository Design for Digital Library) in view of Kahn et al. "A Framework for Distributed Digital Object Services" and "Managing Access to Digital Information, as applied to claim1, above, and further in view of Official Notice.

The cited references did not expressly disclose storing the handle locally. However the caching of URL is well known in the art to, improve access throughput so, as not to repeat the URL processing to access the destination, the same would be true of the handle processing.

12. Applicant's arguments filed 04/20/2006 have been fully considered but they are not persuasive.

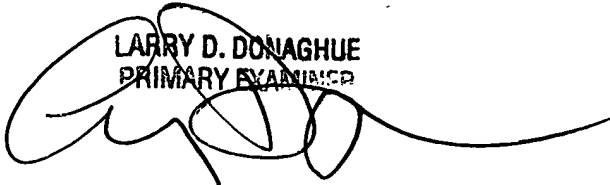
13. Applicant's arguments rely on the affidavit. The affidavit under 37 CFR 1.132 filed 04/20/2006 is insufficient to overcome the rejection of claims 1, 2 and 4-16 based upon the references as set forth in the last Office action because: As to the rejection of claims 13-16, the testimony is not consistent with the scope of the claims as the testimony is directed to video or streaming data, while the claim only requires visual media objects. As to the rejection of claims 1 and 3-12, testimony fails to define what is or isn't known by one of ordinary skill in the art, merely asserts that the documentation does provide sufficient teachings. Applicant is reminded that arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further the critical data for obviousness is the date of applicant invention not the reference. The affidavit attacks the reference on literary style rather than technical merits and for the most part is merely copy of the attorney's argument's supplied previously.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D. Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LARRY D. DONAGHUE
PRIMARY EXAMINER